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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

DEC 17 2001

REPLY TO THE ATTENTION OF

SR-6J

Mr. Brent J. Gilhousen  
Assistant General Counsel  
Environmental  
Solutia, Inc.  
P.O. Box 66760  
St. Louis, MO 63166-6760

Dear Mr. Gilhousen:

Thank you for your letter of October 31, 2001, which provided a status summary with regards to issues discussed at our meeting on October 3, 2001. At this meeting we discussed matters regarding the Administrative Order on Consent (AOC) entered into between the United States Environmental Protection Agency (U.S. EPA) and Solutia on May 3, 2000, under the Resource Conservation and Recovery Act (RCRA) program with respect to the Krummrich facility as well as the status of activities with respect to the Superfund proceedings concerning Sauget Area 1 and Sauget Area 2. U.S. EPA would like to take this opportunity to clarify its position on several issues discussed in your letter.

Your letter offers three specific suggestions for U.S. EPA to consider. The first suggestion recommends an integrated approach be taken regarding the control of contaminated groundwater in the vicinity of Site R. Recent field investigations suggest that groundwater contamination from the Krummrich facility, Sauget Area 1 and Sauget Area 2 commingle in the vicinity of Site R and ultimately discharge to the Mississippi River. U.S. EPA believes coordinating both RCRA and Superfund efforts to control the groundwater plumes in the vicinity of Site R is appropriate, and that an interim response action performed at Sauget Area 2 is the appropriate mechanism.

On November 14, 2001, U.S. EPA sent Solutia a letter requiring the submission of a focused Feasibility Study (FS) for a groundwater containment system to be installed in the vicinity of Site R. On December 3, 2001, U.S. EPA received a letter from Solutia which contained a preliminary design document of the extraction well system. This letter also stated that this design work would be part of the focused FS which is to be submitted in January 2002. Thereafter, it is U.S. EPA's intent that Solutia perform the implementation of the interim groundwater response

action pursuant to an interim action Record of Decision (ROD). Compliance with the interim action ROD would satisfy Solutia's obligation pursuant to the RCRA AOC to demonstrate compliance with the Environmental Indicator for control of migration of contaminated groundwater. In addition, the parties would ensure that the interim action would be consistent with any subsequent final groundwater response action selected by U.S. EPA for Sauget Area 2.

In the December 3, 2001, letter, Solutia also requests a 90 day extension from the January 1, 2002, deadline to demonstrate compliance with the Environmental Indicator for control of migration of contaminated groundwater as required under the RCRA AOC. The time extension will be evaluated based on the effectiveness of the proposed design to control the discharge of contaminated groundwater to the Mississippi River as outlined in the preliminary design document received on December 3, 2001, and the adequacy of the focused Feasibility Study required in U.S. EPA's November 14, 2001, letter. The time extension will also consider Solutia's continued cooperation in implementing the selected interim groundwater remedy, as well as its continued compliance with work required pursuant to the RCRA and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) AOCs.

Your letter also proposes that U.S. EPA not proceed to make a final remedy selection or develop a Record of Decision (ROD) for Area 1 until the Remedial Investigation/Feasibility Study (RI/FS) for Area 2 and the RCRA Facility Investigation are complete which is anticipated to occur in 2004. U.S. EPA agrees that a final groundwater remedy for Area 1 should not be made until the sampling investigation for Area 2 and the Krummrich facility are complete. However, our intent to proceed in this manner is expressly contingent upon the expeditious implementation and success of the groundwater interim response action at Area 2 in preventing an unacceptable groundwater discharge to the Mississippi River.

In addition, it is U.S. EPA's position that control measures at the Sauget Area 1 source areas are necessary and appropriate at this time and the selected remedy must contain both engineered and institutional control components addressing these source areas. U.S. EPA plans on finalizing the Sauget Area 1 Engineering Evaluation/Cost Analysis (EE/CA)-RI/FS Report in the near future pending receipt and resolution of any Illinois EPA comments. An interim action ROD for the Sauget Area 1 source areas will likely be issued sometime in 2002.

The third suggestion provides for a single consolidated report to be submitted to satisfy the requirements for an RI/FS at Area 2 and for a corrective measures study for the Krummrich facility. Upon further evaluation, U.S. EPA does not encourage pursuing this approach. During preliminary negotiations between U.S. EPA and Solutia, U.S. EPA encouraged a consolidated effort between the three sites under Superfund authority. Solutia strongly objected to this approach and insisted that the Krummrich facility be addressed using RCRA authorities. Work at Sauget Area 2 and the Krummrich facility is now being conducted under different authorities, enforcement mechanisms, scopes of work, schedules, and performance standards. From an administrative standpoint, U.S. EPA believes it would be very difficult and resource intensive to try to consolidate the reports at this time, and such an effort would provide no benefit to the U.S. EPA or the public. From a technical perspective, a coordinated effort makes sense for addressing the commingled plume to prevent discharges to the Mississippi River, but does not seem reasonable for addressing the site-specific response actions necessary at each of the three areas.

Your letter also discusses Solutia's expectations for a final remedy at Sauget Areas 1 and 2 and the Krummrich facility. U.S. EPA finds Solutia's expectation on the final remedy to be somewhat worrisome and inconsistent with the Agency's goals for groundwater and the control of contaminated source areas. U.S. EPA's goals are discussed in the Advanced Notice of Proposed Rulemaking (ANPR) for Corrective Action found in the May 1, 1996, Federal Register, Volume 61, pp. 19431-19464, which states: "EPA expects to return usable groundwaters to their maximum beneficial uses whenever practicable within a time frame that is reasonable given the particular circumstances of the site." (61 FR 19448). The ANPR for Corrective Action further states: "EPA also expects to control or eliminate surface and subsurface sources of groundwater contamination." (61 FR 19448). It is too early to suggest that remediation of the groundwater throughout the plumes is impossible based on the limited available information and analyses.

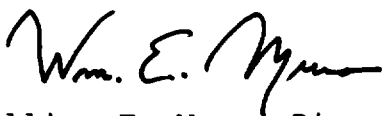
U.S. EPA understands that complete groundwater restoration might be technically impracticable (TI). Solutia may apply for a TI waiver considering the engineering feasibility and reliability of attaining the media cleanup standards. Also, the remediation may be technically possible but the scale of the operations required might be of such a magnitude and complexity that the alternative would be impracticable (TI Guidance-OSWER Directive 9234.2-25). However, TI decisions should generally be made only after interim or full-scale remediation systems are implemented to evaluate the

effectiveness of restoring groundwater. U.S. EPA's Subsurface Protection and Remediation Division of the National Risk Management Research Laboratory in Ada, Oklahoma, will be providing assistance with regards to the practicability of restoring groundwater in this area.

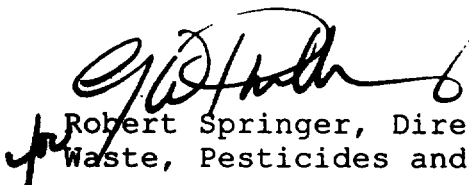
U.S. EPA further disagrees with Solutia's assessment that further source control measures would be "very limited" because such measures would be highly costly and would provide limited practical benefits. This position would be inconsistent with U.S. EPA's goals for the control of contaminated source areas as discussed in the ANPR for Corrective Action. Such a gross generalization regarding source area control measures is especially inappropriate given the nature of waste present in the area and that two of the three areas being discussed have not completed their investigations. Furthermore, TI guidance (OSWER Directive 9234.2-25) provides that source control measures be initiated even if Solutia were to present a demonstration that groundwater restoration is technically impracticable. In addition, certain source control measures will be necessary to ensure protection of human health and the environment and to control current human exposure to contamination (RCRA Environmental Indicator CA725). Therefore, source control measures should be considered necessary and should not be minimized as a future requirement by Solutia.

U.S. EPA is committed to working closely with Solutia and the other PRPs in developing remedies for Sauget Area 1, Sauget Area 2 and the Krummrich facility which are both practical and protective of human health and the environment. U.S. EPA reiterates its commitment to enhancing coordination between the RCRA and Superfund programs and will try to maintain consistency between the three areas especially with respect to groundwater containment and restoration remedies.

Sincerely,



William E. Munro, Director  
Superfund Division



Robert Springer, Director  
Waste, Pesticides and Toxics Division

cc: Sandy Bron, IEPA  
Alan Faust, Solutia

bcc: Tom Martin, C-14J  
Richard Murawski, C-14J  
Ken Bardo, DE-9J  
Bruce Sypniewski, SR-6J  
Mike Ribordy, SR-6J  
Record Center 